IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 7386 of 2006(D)

PETITIONER:

P.L. THOMAS, PAINEL HOUSE,
ATHIRAMPUZHA P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.TOMY SEBASTIAN

RESPONDENTS:

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1. P.J. JOSEPH, PAINEL HOUSE,
ATHIRAMPUZHA P.O., KOTTAYAM DISTRICT.

2. THE SECRETARY, KSEB,
VYDYUTHI BHAVAN, TRIVANDRUM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
KSEB, ETTUMANOOR.

4. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

5. THE DISTRICT COLLECTOR,
KOTTAYAM.

R1BY ADV. SRI.K.C.CHARLES
SRI.A.BALAGOPALAN
SRI.RAJAGOPAL G.
SRI.SOJO J.KALLIDUKIL
R2 AND R3 BY SC SRI. P.P. THAJUDEEN
R4 AND R5 BY G.P. SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE COMPLAINT DATED 8.3.2004 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF THE ORDER DSATED 29.5.2004 PASSED BY THE FOURTH RESPONDENT.

EXT.P3 TRUE COPY OF THE SKETCH AND PLAN SHOWING THE ELECTRIC LINE IN EXISTENCE FOR THE PAST 40 YEARS AND THE PROPOSED SITE FOR SHIFTING THE POST.

EXT.P4 TRUE COPY OF THE SKETCH PRODUCED ALONG WITH THE COUNTER AFFIDAVIT IN WPC 17925 OF 2004

EXT.P5 TRUE COPY OF THE ESTIMATE PREPARED BY THE ASST. EXE. ENGINEER DATED 9.3.2004

EXT.P6 TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE THIRD RESPONDENT IN WPC 17925 OF 2004

EXT.P7 TRUE COPY OF THE JUDGMENT DATED 24.9.2004 IN WPC 17925 OF 2004

EXT.P8 TRUE COPY OF THE JUDGMENT DATED 10.6.2005 IN W.A.NO. 2126 OF 2004

EXT.P9 TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT MAGISTRATE, KOTTAYAM.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 7386 OF 2006

Dated this the 13th day of August, 2007

JUDGMENT

Petitioner is challenging Ext.P9 order whereunder the District Collector has ordered shifting of electric post on the side of the private road maintained by the petitioner. In fact the post involved along with the line was in the property of the first respondent who requested for shifting of the post and the line. The line as shifted affects vehicular movement in the road of the petitioner, is his case. Even though it is stated in Ext.P9 that the Collector inspected the location, it is not stated whether at least a truck can freely move through the petitioner's road. If the road is wide enough for truck movement then it should not be blocked at one point with electric post. In other words, the width of the road should be uniformly maintained as otherwise the purpose of the road itself will be defeated. Since the shifting is made for the benefit of the first respondent, all what could be done is to reduce inconvenience to the first respondent without shifting the inconvenience to another person. In the circumstances, third respondent is directed to examine

the sacrifice of the road width through the installation of the post and if installation of the post leads to reduction of road width, he will ensure that electric post will be shifted to the boundary of the first respondent's property and the road or in other words, electric post will be installed in between the boundary of the first respondent's property and the road. This should be done within a period of two weeks from the date of production of a copy of this judgment by the parties. However, if the road at the place where the post is to be installed is wide enough for the movement of a truck then there is no need for shifting of the post.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge